



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

Board Members

Max Wilson, District 4, Chairman
Fulton Brock, District 1
Don Stapley, District 2
Andrew Kunasek, District 3
Mary Rose Wilcox, District 5

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

Supervisors' Auditorium
205 W. Jefferson
Phoenix, AZ 85003

FORMAL MEETING MINUTES

BOARD OF SUPERVISORS MARICOPA COUNTY, ARIZONA

(and the Boards of Directors of the Flood Control District, Library District, Stadium District, Improvement Districts and/or Board of Deposit)

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<i>Board of Deposit</i>	<i>No Meeting</i>

**Wednesday, April 1, 2009
9:00 AM**

1. INVOCATION

Father Eric Schimmel, Andre House, gave the invocation.

2. PLEDGE OF ALLEGIANCE

Norma Vega, Workforce Management & Development, led the assemblage in the Pledge to the Flag.

3. ROLL CALL

The Board of Supervisors of Maricopa County Arizona convened in Formal Session at 9:00 AM on Wednesday, April 01, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman District 2; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

BOARD OF SUPERVISORS

Clerk of the Board Fran McCarroll read the following for the record, at the request of the Chairman:

The Board has previously expressed concerns about the adversarial positions the county attorney's office has often taken against the Board. This concern has caused the Board to retain independent counsel to analyze this apparent ethical conflict and to take actions that may be warranted. The analysis and response is ongoing.

The county attorney's office is in attendance at this meeting – presumably to advise the Board as they proceed with the meeting. In light of the stated concerns, the Board in no way waives any conflict or ethical issues that exist as a result of the county attorney's presence here.

4. PET SHOWCASE BY MARICOPA COUNTY ANIMAL CARE AND CONTROL

Aprille Hollis introduced Shadow, a Lab-Border Collie mix puppy that captured the hearts of many in the audience prior to the beginning of the meeting. His cost today is only \$85.00, which includes neutering surgery, licensing, and preliminary shots. She announced he would be at the 27th Avenue and Durango facility at noon for adoption. Call 602-506-PETS for information.

5. FAIR HOUSING PROCLAMATION

Approve and proclaim the month of April 2009 Fair Housing Month in Maricopa County, Arizona. All citizens of Maricopa County are encouraged to work for tolerance and equal opportunity in our own communities. (A copy of this Proclamation is on file in the Clerk of the Board's Office.) (C-17-09-050-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

At this time, Chairman Wilson called for agenda item A-4 to be taken out of order.

A-4. IGA WITH DPS CONCERNING ILLEGAL IMMIGRATION AND HUMAN SMUGGLING

Approve an intergovernmental agreement (IGA) between Maricopa County, on behalf of the Sheriff's Office, that enhances law enforcement services concerning illegal immigration and human smuggling by providing increased funding to MCSO as intended by Law 2009, Chapter 1, 1st Special Session, Section 2.

This agreement provides up to \$1.6 million of funding to investigate, disrupt, or deter crimes relating to illegal immigration and human smuggling and takes effect April 1, 2009 through March 31, 2010.

Also per A.R.S. 42-17106 approve an increase of \$333,333 to the Sheriff's Grant Fund (251) FY 2009 for estimated revenue and expenditure.

A 15% match on actual expenditures is required. Any match resulting from FY 2009 expenditures will be paid from the Sheriff's General Fund (100) appropriation. An estimated amount the FY 2010 match was included in Sheriff's base budget request. The Sheriff's Office indirect cost rate for FY 2009 is 12.2% and this funding does not support indirect costs. This funding provides for fifteen new positions-one lieutenant, two sergeants, and twelve deputies and supporting supplies and equipment to accomplish the task, which includes vehicle leases. (C-50-09-064-M-00)

Janet Valder, Valley Interfaith Project, said that VIP condemns the attempt by the Legislature to again fund the Sheriff's Anti-Immigrant Crusade. She said it is "downright obscene" for the Legislature to direct funds to the Sheriff for such a highly questionable operation, when budget cuts are halting health services to children and laying-off teachers. She felt the Sheriff's actions to unearth the undocumented makes County more unsafe for others.

Raquel Teran, Maricopa Citizens for Safety and Accountability (MCSA), said this group has come to ask the Board to vote no on this item since the Sheriff is being investigated for civil rights violations and patterns of discrimination. She said it is crucial that the Sheriff not receive more money to continue targeting one community. She said some of their group has chosen to fast for a week to protest giving this money to Sheriff Arpaio when he is under federal investigation, and also because of the huge budget deficit the State has.

Alex Gomez, MCSA, said she is fasting to protest this item. She is a State employee, currently on furlough and finding it difficult to pay her bills and buy food. She asked that this item not be approved.

Jason Lopez, MCSA said he is an unemployed construction worker, due to the recession He is a taxpayer and is fasting to protest giving this money to Sheriff Arpaio because of the federal investigation into his practices.

Discussion ensued regarding Members responding to questions asked by speakers. Victoria Mangiapane, County Counsel, said it would be allowed as this is not Public Comment but an agenda item. She added that any response is within each Member's discretion.

Alicia Contreras, MCSA, is also fasting. She does not like 2nd and 3rd generation citizens being racially profiled. She said that Sheriff Joe is violating their civil rights. She urged these dollars not go to the Sheriff while he is under federal investigation.

Laurita Moore, a college instructor who cannot disclose where she works, but "came to speak for her students who could not speak for themselves." She said she lives in a climate of "terror" that is identical to what went on in Nazi Germany. She said her students have committed no crime but are being persecuted and asked why the Board is enabling that.

The testimony of Dannila Bettran-Galindo, Karen Price, Robert McElwain, Garrett Smith, Niavia Enriquez, Cainilk Yanez, Corinne Wildner, echoed the same dissatisfactions and asked this item not be approved.

Randy Parraz, MCSA, had several questions on the use of these funds with regards to

matching funds delineated to come from the County. Supervisor Wilcox said she also would like an answer to the matching funds, asking how these could be met with all the cuts departments have been asked to make to their budgets.

Mr. Parraz continued, saying he and Ms. Teran had been targeted for investigation by sheriff's deputies and questioned the reasons. He said MCSA wants to work with the County and straighten out the differences encountered that could be solved. He referenced Senator Pearce as being obsessed with his own district and not the County as a whole, differentiating him as an Arizona Senator but not a Maricopa County Supervisor. He added, "We'd like you to vote no, but at least to continue this. Allow us to bring forth witnesses with good information." He asked how this item could be on the agenda when the Sheriff is being investigated by the U.S. Department of Justice on civil rights violations.

Carlos Galindo said he is a citizen who came to this country to better his life, just as so many others are doing today. He said the Sheriff is profiling one sector of the community based on skin color, appearance and language.

Donna Kennedy said she is a woman of privilege and, through her own choice, she went to bed hungry last night and out the door hungry this morning. She believes doors have opened to her because of the color of her skin. She said it is time for everyone to "stand up against the injustice of the Sheriff."

Mercedes Ochoa ended the discussion with similar comments and a request to table this item.

Supervisor Kunasek asked about the maintenance of the time and accounting logs related to these activities and if they are accessible as public records or if they must be subpoenaed. He also asked about the "soft-match" funding provided by the County.

Loretta Barkell, Sheriff's Office, said these reports are provided to the Department of Public Safety (DPS) quarterly according to the standards DPS has established that are similar to the County's Managing For Results reporting requirements. She said the records for these grant monies are public records.

Regarding the soft-match funds, she said the Sheriff is following State law and this continues as part of the regular duties regardless of the grant monies. She explained that the regular staff providing these duties is the match that is being provided. The first grant provided for 15 new positions for reinforcement of the law, which were established, and these were eliminated when the grant funds were discontinued. However, she said the work by the regular staff continued within the normal law enforcement functions of the Sheriff's Office. In response to a question from Supervisor Brock, Ms. Barkell said the regular staff procedures regarding this law constitutes their indirect cost 15% match funding required by the Agreement.

Supervisor Kunasek clarified that all the items included in the Agreement are available to the Board and to the public, including personnel services, employee related expenditures, outside services, in-state and out-of-state travel, equipment and all related operating expenditures -- those are all public records?

Ms. Barkell agreed and added, "The grant is set-up with its own accounting stream and reporting categories, and all of the financial records are available through that program."

Supervisor Kunasek asked both Ms. Barkell and Jack MacIntyre, also from the Sheriff's Office, if they would like to address any of the concerns expressed by speakers today.

Loretta Barkell said the Sheriff is enforcing the full State law that includes undocumented aliens as well as human smuggling and has been successful in many instances.

Supervisor Wilcox asked how many people are currently involved in immigration enforcement.

Ms. Barkell reported that now the whole enforcement support division of 50 people are devoted to enforcement of this particular law and also to the enforcement of all other laws, immigration enforcement is considered as part of the regular duties. With the re-establishment of the grant the salaries of the deputies working within that division will be a portion of the match.

Supervisor Wilcox asked how it could be determined that part of the match wouldn't be cut when they resolve their budget differences and complete their budget cuts.

Ms. Barkell replied the Sheriff's Office would endeavor to maintain their enforcement of all laws with whatever budget funds they receive.

Supervisor Wilcox asked about the Goldwater Institute's report regarding the County's law enforcement agencies combined resources to arrest suspected felons with outstanding warrants, saying that MCSO does not participate. She commented on the receipt of a grant for participation with DPS if the Sheriff's Office is not now participating.

Jack MacIntyre said the 40,000 outstanding warrants mentioned in the Goldwater article were divided among every law enforcement agency in the County and were not just Sheriff's Office warrants. The Sheriff's Office is only the repository for those warrants and does not have the sole, or primary, responsibility for them. He said that Mr. Bolich, the writer of that article, has repudiated it as being inaccurate in that sense in testimony before the Legislature.

He stated that these funds come down as a legislative mandate and the Board of Supervisors cannot control how the legislature designates funds. He added that the Board is also not responsible for passing state-wide laws that the Sheriff is required to enforce, "whether we like them or not -- Law enforcement agencies cannot pick and choose which laws to enforce or ignore." He added that the only remedy for laws that people don't like is at the State Legislature. He said it is the Legislature that has earmarked these monies for a specific purpose, not the Board and not the Sheriff's Office.

Supervisor Wilcox affirmed that she knew how laws are passed and also that this Board has a purview to either accept monies designated by the State, or not to accept them if it is not wanted. She voiced concern that the Sheriff's enforcement policies differ from those of DPS or the rest of the State.

Supervisor Wilcox asked about the Sheriff's budget which has not been finalized as yet. She asked if the County can afford a 15% match when the Sheriff's Office has not yet finalized their requested budget cuts.

LeeAnn Bohn confirmed that OMB has not received the recommended reductions from the Sheriff's Office consistent with the 20% reductions that all County departments have been asked to comply with. She indicated that it is not known how the 15% match would be handled by the Sheriff's Office.

Mr. Brock referenced the grand jury investigations and investigations by the Sheriff's Office on the Board and the County, in part regarding the proposed Court Tower, which the County has been putting monies aside to finance for the past ten years. He said yesterday Members received a copy of a press release saying the Sheriff's Office now has the Board of Supervisors under a criminal investigation with respect to the Court Tower. He said this makes it difficult for the Board to make a decision, "this day, at this time, at this hour on this question." He asked Mr. MacIntyre if he could either confirm or deny this investigation.

Mr. MacIntyre replied that he knew nothing about it, that he did not do criminal investigations and was not aware of any.

Supervisor Brock sent his assistant to retrieve the press release and said because of it he may recuse himself on a conflict of interest, and possibly his colleagues would do the same, because of a question of the legality of the Board voting on Sheriff's matters if the press release is accurate about the new investigation..

Supervisor Stapley interjected, "I can confirm that I'm under investigation" - adding that on advice of his legal counsel he would not let that disenfranchise the 800,000 people in District 2 that he was elected to represent. He confirmed that he'd asked this item not be on the agenda at this time, "Given the fact that the Sheriff's Office has not cooperated with this Board in providing us with detailed information on what they recommend be cut from their budget." He added that unlike most of the other County departments, the Sheriff has chosen not to cooperate with the specific requests that the Board has made of every other department. "We have no idea of how the Sheriff is going to make a budget that is going to have to be reduced dramatically." He added that it is getting close to "crunch time" in the County's budget process.

Supervisor Brock thanked the County departments that have cooperated in this very difficult budget year. He said he has spoken with Senator Pearce who, along with his son, were shot by those here illegally, in the line of duty, and referenced the many police officers and citizens who have been killed or injured by illegals, many of whom left families to fend for themselves. He asked, "How can we protect the law enforcement on the street, how can we stop the bad guys and at the same time protect those who have been inappropriately accosted by those in authority?" He asked that this matter be continued for at least two weeks to receive additional input on legal issues.

Supervisor Wilcox expressed her concerns about approving this item in possibly exposing the County to future lawsuits and financial liability, there are already several lawsuits pending. She added that the Department of Justice started its investigation because of the reported abuses. She said the 287G Agreement is now under review by Homeland Security and changes may be made. She supported continuation and favored an indefinite postponement because of the question of budget preparation, and to get a more clear idea of the litigation and cost of any new allegations.

Board Members thanked those who came to voice their concerns, and to those who care strongly enough to fast for the beliefs they hold. Supervisor Stapley also thanked those speaking from the Sheriff's Office. He said that should any future guilt be found from the investigation of the Department of Justice on racial profiling by the Sheriff's Office, he could not feel justified in voting today to approve this item. He suggested suspension or the tabling of this matter until a determination has been made in the investigation would be appropriate. Identifying the budget cuts in the Sheriff's budget would be the other issue in approval today.

Supervisor Wilcox moved to postpone this item indefinitely and for reports to be forthcoming on the review, and any changes, to the 287G Agreement, and a timeline from DOJ on their investigation results. Reports should be evaluated as they are received, rescheduling this item indefinitely to follow receipt of that information.

Chairman Wilson did not favor anything "indefinite" in government.

Supervisor Wilcox replied the budget goes into effect July 1 and hopefully DOJ would have a decision by that time. She changed her motion to a three-month continuance. Supervisor Brock felt two to four weeks would be more appropriate.

Supervisor Brock explained that no accusation of "financial profiling" could be made against the Board because it would be wrong to spare any office the financial cuts that every County department, including the Supervisor's offices, have been asked to make. He said, "When the money isn't there, the money is NOT there."

Supervisor Wilcox amended her motion to a one month continuance and asked that the reports discussed be updated and reported on by staff prior to that time.

Chairman Wilson asked Loretta Barkell for a date when she could resolve the budget issue with OMB.

Ms. Barkell said the Sheriff's Office is planning to take reductions and, "is waiting to get a number from OMB, the dollar amount or percentage amount that they would like us to reduce and then we have some ideas of how we will address that."

County Manager David Smith said this is systematic of the communication disconnect with the Sheriff's Office, "We don't give numbers. We do programs and that's the way every office and department in this government is done on a budgetary basis." He added that it is not about over simplification of a very complex process.

Supervisor Kunasek said he welcomed the review by the Department of Justice on this program, believing as he does that everyone is innocent until proven guilty. The Sheriff deserves this same consideration in the allegations of racial profiling that have been made against him. However, he said these funds have been duly appropriated, investigated and approved by the Attorney General, Department of Public Safety and the County Attorney and signed by the Governor. He felt it appropriate to approve this item and let the Department of Justice decide if anything wrong has been done.

Chairman Wilson said the people in his District of Sun City and Sun City West are supportive of Sheriff Arpaio and his handling of the laws, however, he believed it is necessary to find out if there is any truth to the allegations. He called for the question.

Motion to continue to May 6, 2009, meeting by: Supervisor Wilcox, Seconded by:
Supervisor Brock

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Chairman Wilson ordered a five minute recess after which, he called the Members back to order.

Supervisor Kunasek explained that the Chairman had not called for a vote of "nay" and it had been his intention to vote no on the motion.

Motion to continue to the May 6, 2009, meeting by: Supervisor Wilcox, Seconded by:
Supervisor Brock

Ayes: Stapley, Brock, Wilcox, Wilson

Nays: Kunasek

Supervisor Brock said he discovered during the break that he had calendared an out-of-town trip and would be gone for the May 6th meeting. He asked if an alternate date could be chosen.

Chairman Wilson said the date had been set before many in the audience left and he felt any date-change should be discussed at a later time.

~ Supervisor Wilcox left the meeting and would not return ~

PRESENTATIONS

County Manager

6. EMPLOYEE AWARDS FOR REWARDING IDEAS PROGRAM

Present the following employees awards from the Rewarding Ideas Program: (C-20-09-043-M-01)

EMPLOYEE	DEPARTMENT	SUGGESTION	SAVINGS	AWARD
Sue Liebler	Elections	Elimination of printing one set of precinct registers and rosters used at each polling place for each election.	\$41,400 (tangible)	\$2,500
Dorothy Shilow and Melanie Glass	Elections	Elimination of printing, folding and mailing of polling place agreements – instead send agreements via email.	\$756 (tangible) \$1,689.63 (intangible)	\$125.00/each
Amy Willis	Human Services	Improvement to department's standard operating procedure that eliminates 16 hours each payroll period.	\$5,304 (intangible)	\$100
Ryan McDevitt	Recorder's Office	Automation of the processing of map information sheets.	\$480 (tangible)	\$96
Dan McNeil and Dustin Wood	Facilities Management	Replacement of lock sidebars at the Lower Buckeye Jail.	\$13,427 (tangible)	\$1,250/each

Candace Steill, District 4, honored those employees who found a more efficient and cost effective way to conduct County services and who are being rewarded for their efforts. Their ideas resulted in an annual savings of \$55,663 and an intangible savings of \$6,994.

STATUTORY HEARINGS

Clerk of the Board

7. LIQUOR LICENSE APPLICATIONS

This is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

a. PERSON TO PERSON TRANSFER FOR PENNIE LEE'S

Pursuant to A.R.S. §4-203, approve a Person to Person Transfer of a Series 6 Liquor License from Rick Francis Robarge to Pennie Lee for Pennie Lee's at 12417 W. Glendale Avenue, Glendale, AZ 85307. (AZ #06070382) (Supervisory District 4) (C-06-09-320-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Wilson
Nays: Brock
Absent: Wilcox

b. SPECIAL EVENT FOR CROWN OF LIFE LUTHERAN CHURCH

Pursuant to A.R.S. §4-203.02, approve a Special Event Liquor License Application filed by Richard J. Anderson for the (Crown of Life Lutheran Church at 19803 R.H. Johnson Boulevard to be held on April 4, 2009 from 10:00 a.m. to 1:00 p.m. (Supervisory District 4) (C-06-09-350-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Wilson
Nays: Brock
Absent: Wilcox

c. SPECIAL EVENT FOR FRANCISCAN RENEWAL CENTER INC.

Pursuant to A.R.S. §4-203.02, approve a Special Event Liquor License Application filed by Charles Brown for the Franciscan Renewal Center at 5802 E. Lincoln Drive, Paradise alley, AZ 85253 to be held on May 8, 2009 from 5:00 p.m. to 11:00 p.m. (Supervisory District 2) (C-06-09-351-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Wilson
Nays: Brock
Absent: Wilcox

d. SPECIAL EVENT FOR ST. STEVEN'S CATHOLIC CHURCH

Pursuant to A.R.S. §4-203.02, approve a Special Event Liquor License Application filed by Fr. Pierre Hissey for the St. Steven's Catholic Church at 24827 S. Dobson Road, Sun Lakes, AZ 85248 to be held on April 13, 2009 from 5:00 p.m. to 10:30 p.m. (Supervisory District 1) (C-06-09-352-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Wilson
Nays: Brock
Absent: Wilcox

e. SPECIAL EVENT FOR FROHSINN MC INC OF THE SUN CITIES

Pursuant to A.R.S. §4-203.02, approve a Special Event Liquor License Application filed by Anna M. Schmidt for the Frohsinn MC Inc of the Sun Cities at 19803 R.H. Johnson Boulevard, Sun City West, AZ 85375 to be held on April 5, 2009 from 2:00pm to 10:00pm. (Supervisory District 4) (C-06-09-353-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Wilson
Nays: Brock
Absent: Wilcox

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

Sheriff

8. DONATIONS TO THE SHERIFF'S OFFICE

Accept the following donations to the Sheriff's Office that were over \$250 and posted during the month of February 2009: \$287.00 from Eddie Seese; \$300 from Lee T. Walker for MASH; and \$400 from Tina McVaughn for a MASH Unit adoption. (C-50-09-062-D-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Supervisor Brock reserved the right to recuse his vote on items 8 through 13 due to possible conflict from the reported criminal investigation of the Board of Supervisors by the Sheriff.

9. AGREEMENT WITH JOHN C. LINCOLN HEALTH NETWORK FOR PARAMEDIC AND EMT TRAINING

Approve the affiliation agreement between John C. Lincoln Health Network and Maricopa County on behalf of the Sheriff's Office to share Lincoln's facilities for paramedic and Emergency Medical Technician (EMT) training. This agreement is from January 1, 2009 through December 31, 2010 and may be terminated by either party with thirty days written notice.

The Board has approved similar agreements with John C. Lincoln on behalf of the Sheriff's Office in the past. (C-50-09-061-M-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

10. EXCEPTION TO THE POLICY FOR ADMINISTERING GRANTS (A2505) TO THE SHERIFF'S OFFICE

Approve an exception to the Policy for Administering Grants (A2505) Section D. 1 to the Sheriff's Office for FY 2010 that would allow the Sheriff's Office to apply for unnamed law enforcement or detention related grants and/or agreements that may or may not allow indirect cost recovery. Approval of this item authorizes application only and the Sheriff's Office will return to the Board for approval to accept any specific awards granted. Each subsequent request to accept an award will be presented as a new agenda item with a unique number.

The Sheriff's Office indirect cost rate for FY 2009 is 12.2%. The Board has approved similar annual requests for the Sheriff's Office over the past several years. (C-50-09-059-G-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

11. IGA WITH ARIZONA DEPARTMENT OF PUBLIC SAFETY FOR LOCATION AND MANAGEMENT OF THE PRE-BOOKING SERVER

Approve the intergovernmental agreement (IGA) between Arizona Department of Public Safety and Maricopa County on behalf of the Sheriff's Office for the location and management of the arrest capture data collection (ACDC)/pre-booking communications server.

This agreement allows the Sheriff's Office pre-booking server to be physically housed at the DPS data center while the Sheriff's Office would continue its responsibility for maintenance, estimated at approximately \$1,000 per year. The server supports an application that is utilized by arresting agencies to book suspects into Maricopa County Jails. This agreement takes effect upon signing by both parties and filing with the Secretary of State and continues indefinitely. (C-50-09-060-M-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

12. SOLE SOURCE PURCHASE OF GRANT FUNDED COPLINK MODULES AND RELATED HARDWARE

Approve the Sole Source purchase and installation of additional software modules and support services for the existing COPLINK system from Knowledge Computing Corporation. This Sole Source Contract Serial 09027-SS is in the amount of \$312,837.50. The Contract also provides for the purchase of additional software modules and support services in the future with additional pricing. The contract is for a term of four years and seven months, beginning on the 1st day of April, 2009 and ending the 31st day of October, 2013. Also, approve an exception to the Technology Finance Program (TFP) that allows the Sheriff's Office to purchase the necessary hardware and software for the installation of COPLINK.

Sole Source contract is in the amount \$312,837.50. Once installed and operational, this system will require on-going maintenance/support estimated to be \$59,387.50 annually. Ongoing support will be funded from RICO (214). The COPLINK system was initially approved by the Board on January 4, 2006 under C-50-06-0516-3-00. (C-50-08-538-3-01)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

13. UNDERCOVER LICENSE PLATE AND EXEMPTION FROM MARKINGS

Pursuant to A.R.S. §38-538-03 and §28-2511 (A), approve the issuance of non-governmental license plates and exemption from county markings for one vehicle being used for law enforcement relative to Human Smuggling. The vehicle number is 11915, a 2009 Ford Crown Victoria which is designated to eventually replace Sheriff's vehicle 11538. Exemption from markings is requested for the success of the operation and safety of Sheriff's Office deputies. (C-50-09-063-M-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

14. SALE AND TRANSFER OF EQUIPMENT TO TACTICAL SUPPORT POSSE

Pursuant to A.R.S. 11-251 (9), approve the sale for \$3,628 of County vehicle #31434, a 2004 Ford Expedition that is designated to go to auction to the Tactical Support Posse. The amount is the average auction value of two like vehicles sold at auction in the last 8 months. Unanimous consent of the board is required. This item was continued from the March 18, 2009 meeting. (C-50-09-057-M-00)

The Clerk announced this item will be moved to the April 15, 2009, meeting for a vote of the full Board.

COUNTY MANAGER

Crime Prevention - Meth Program

15. TERMINATION OF IGA WITH AZ BOARD OF REGENTS FOR COMMUNITY CRIME ANALYSIS CENTER

Approve termination of Intergovernmental Agreement (IGA) C-42-08-022-0-00 with the Arizona Board of Regents for and on behalf of Arizona State University and its Center for

Violence Prevention and Community Safety for the Community Crime Analysis Center (CCAC). The effective date of termination is April 17, 2009. The IGA is being terminated based on Maricopa County's current economic situation and the need to prioritize the use of funds.

Also, approve an adjustment to the FY 2008-09 budget, transferring \$387,616 from the Non-Departmental (470) General Fund (100) Other Programs (4712) Non-Recurring Non-Project (0001) "Community Crime Analysis Center" line to the Non-Departmental (470) General Fund (100) Other Programs (4712) Non-Recurring Non-Project (0001) "Crime Prevention Grants" line, reversing the adjustment made in C-42-08-022-0-00. (C-42-08-022-0-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Office of the County Manager

16. EXECUTIVE COMPENSATION PACKAGE

Approve an Executive Compensation Package (ECP) for Wade Swanson, an unclassified Director - Litigation in the General Litigation Department, authorizing a deposit of 80 hours of PTO and 80 hours of FML to his leave balance(s) and awarding a Schedule #4 Leave Accrual Rate effective March 30, 2009.

If approved, this ECP agreement will authorize a deposit of 80 hours of PTO and 80 hours of FML to Wade Swanson leave balance(s) and award him a Schedule #4 Leave Accrual Rate effective March 30, 2009. (C-20-09-046-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

DEPUTY COUNTY MANAGER

Public Health

17. RESCIND ACTION AND CANCEL MOU WITH VALLEY OF THE SUN YOUNG MEN'S CHRISTIAN ASSOCIATION

Rescind the action on June 18, 2008 (C-86-08-083-0-010) and thereby cancel the non-financial Memorandum of Understanding (MOU) between Valley of the Sun Young Men's Christian Association (VOSYMCA), and Maricopa County by and through the Department of Public Health (MCDPH), HIV/HCV Infection Control and Surveillance. Due to a change in VOSYMCA administration this MOU was never executed by VOSYMCA and could not be carried out. This MOU period was from June 2, 2008 to June 1, 2009. (C-86-08-083-0-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

18. RESCIND BOARD ACTION TO APPROVE AND ACCEPT GRANT FUNDS FROM THE ARIZONA GOVERNOR'S OFFICE OF HIGHWAY SAFETY

Rescind board action C-86-06-001-3-01 taken on March 15, 2006, to approve and accept grant funds from the Arizona Governor's Office of Highway Safety (GOHS) Federal 402 grant (Contract No. 2006-OP-023) to Maricopa County through its Department of Public Health's Office of Health Promotion and Education and send notice of termination. Contract was never executed by GOHS. Termination is due to the GOHS' cancellation of award. (C-86-06-001-3-02)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

19. IGA WITH GLENDALE UNION HIGH SCHOOL DISTRICT FOR HIGH SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve an Intergovernmental Agreement (IGA) between Glendale Union High School District and Maricopa County by and through its Department of Public Health to provide high school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. Funding is for a not-to-exceed amount of \$4,000 for budget period beginning January 14, 2009 through May 1, 2009.

Funding for this agreement is provided by the Tobacco Education/Prevention Grant from ADHS and will not increase the County general fund budget. (C-86-09-059-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

20. IGA WITH MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT FOR TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve an Intergovernmental Agreement (IGA) between Maricopa County Community College District and Maricopa County by and through its Department of Public Health to provide tobacco use prevention and education services for the Maricopa County Department of Public Health. Funding is for a not-to-exceed amount of \$35,620 for budget period beginning December 16, 2008 through May 1, 2009.

Funding for this agreement is provided by the Tobacco Education/Prevention Grant from ADHS and will not increase the County general fund budget. (C-86-09-060-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

21. AMENDMENT TO IGA WITH DEER VALLEY UNIFIED SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve Amendment No. 4 to Intergovernmental Agreement (IGA) between Deer Valley Unified School District and Maricopa County through its Department of Public Health to increase the contract by \$3,000 to provide school-based tobacco use prevention and education services for contract period ending May 1, 2009. This amendment brings the IGA

to a new not-to-exceed aggregate amount of \$128,500 for the contract term July 1, 2006 through May 1, 2009.

Funding for this agreement is provided by the Tobacco Education/Prevention Grant from ADHS and will not increase the County general fund budget. (C-86-07-418-2-04)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

22. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR THE TUBERCULOSIS CONTROL PROGRAM

Approve Amendment No. 2 to Intergovernmental Agreement (IGA) Contract No. (HG854521) between the Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health for the Tuberculosis Control Program. This amendment will replace the price sheet for the Amendment No. 1 and decreases funding in the amount of \$115,068 for a new not-to-exceed amount of \$460,014 for the budget term July 1, 2008 through June 30, 2009. This amendment also makes administrative changes to the Uniform Terms and Conditions. All other terms and conditions of the original IGA remain unchanged and in full force and effect. The Department of Public Health's indirect rate for FY 2008-09 is 18%. Grant indirect expenses in the amount of \$70,172 are fully recoverable.

The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation. Funds for this IGA are provided by a grant from ADHS and does not affect the County's general fund. (C-86-09-008-G-02)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

23. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR STD SERVICES

Approve Amendment No. 2 to the Intergovernmental Agreement (IGA) No. HG854321 between Arizona Department of Health Services (ADHS) and Maricopa County by and through its Department of Public Health to provide grant funding for STD Services. This amendment budget amount is not-to-exceed \$370,748 for the budget term January 1, 2009 through December 31, 2009. This amendment also makes administrative changes to the Uniform Terms and Conditions. All other terms and conditions of the original IGA remain unchanged and in full force and effect. The Department of Public Health's indirect rate for FY 2008-09 is 18%. Grant indirect expenses are fully recoverable and are estimated at \$56,555.

Funds for this IGA are provided by a grant from ADHS and does not affect the County's general fund. The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation. This amendment replaces the original price sheet for prior year, January 1, 2008 through December 31, 2008 and the budget term is decreased by \$1,865. (C-86-08-064-2-03)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

24. AMENDMENT TO GRANT CONTRACT FOR THE WELL WOMAN HEALTHCHECK PROGRAM CYCLE TO CARE TREATMENT PROJECT

Approve Amendment No.1 to Grant Contract award from the Phoenix Affiliate of the Susan G. Komen Breast Cancer Foundation, Inc. d.b.a. the Phoenix Affiliate of Susan G. Komen for the Cure to Maricopa County through its Department of Public Health to provide the Well Woman Healthcheck Program Cycle to Care Treatment Project. This amendment increases the contract amount by \$25,000 for a total funding amount of \$150,000 for budget term April 1, 2009 through March 31, 2010.

The Department of Public Health's indirect rate is 18% for FY 2008-09. Total indirect costs are estimated at \$27,000 all of which is unrecoverable. The total sum of the grant consists of sub-recipient pass-through funds not subject to indirect costs.

The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation. Funding for this grant is provided by the Susan G. Komen Breast Cancer Foundation, Inc. d.b.a. the Phoenix Affiliate of the Susan G. Komen for the Cure and will not affect the County general fund. (C-86-09-052-3-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

25. PARTICIPATING HEALTH PROVIDER AGREEMENT WITH MERCY CARE PLAN

Approve the Participating Health Provider Agreement with Mercy Care Plan and Maricopa County through its Department of Public Health (MCDPH). The term of this agreement shall begin upon execution by both parties for a period of one year with automatic one-year renewals with a 90 day termination clause. This contract will generate revenue for MCDPH is a projected amount of \$200,000 for a one year period and may change based on the number of clients actually served. There is no cap to the revenue generated through this agreement. (C-86-09-058-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

26. AGREEMENT FOR THE USE OF FACILITIES WITH SUN CITY GRAND

1. Rescind the action taken on July 25, 2007, (C-86-08-012-0-00) to approve the Agreement for the Use of Facilities between Sun City Grand and Maricopa County through its Department of Public Health's Emergency Management Program (PHEM). This agreement was never executed by the Contractor and an updated version of the Agreement is submitted for approval.

2. Approve the (revised) Agreement for the Use of Facilities between Sun City Grand and Maricopa County through its Department of Public Health's Office of Preparedness and Response (OPR) to collaborate with Sun City Grand for the use of their facilities in the event of a public health emergency. The term of this non-financial agreement shall begin upon execution by both parties and shall be in effect until terminated by either party. (C-86-08-012-0-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION

Animal Care & Control Services

27. AGREEMENT WITH COOPER'S CHANCE ANIMAL RESCUE, INC. FOR NEW HOPE PROGRAM

Approve an Agreement between Shannon Steemke, d.b.a. Cooper's Chance Animal Rescue, Inc., 3510 E. Lynx Pl, Chandler, AZ 85249, and Maricopa County to allow Cooper's Chance Animal Rescue, Inc. under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 22 new hope rescues over the term of the agreement, for a total of \$880. The term of this Agreement is from April 1, 2009 through June 30, 2010. (C-79-09-080-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

28. AGREEMENT WITH MAYDAY PIT BULL RESCUE & ADVOCACY FOR NEW HOPE PROGRAM

Approve an Agreement between Jennifer Mazzocchi, d.b.a. Mayday Pit Bull Rescue & Advocacy, 1208 E. Marco Polo Road, Phoenix, AZ 85024, and Maricopa County to allow Mayday Pit Bull Rescue & Advocacy under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 30 new hope rescues over the term of the agreement, for a total of \$1,200. The term of this Agreement is from July 1, 2009 through June 30, 2012. (C-79-09-081-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

29. AGREEMENT WITH LOST OUR HOME PET FOUNDATION FOR NEW HOPE PROGRAM

Approve an Agreement between Lost Our Home Pet Foundation, a 501 (C) 3 non-profit corporation, 16211 N. Scottsdale Road, A6A #1276, Scottsdale, AZ 85254, and Maricopa County to allow Lost Our Home Pet Foundation under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 22 new hope rescues over the term of the agreement, for a total of \$880. The term of this Agreement is from April 1, 2009 through June 30, 2010. (C-79-09-082-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Human Services

30. AMENDMENT TO AGREEMENT WITH FSL HOME IMPROVEMENT FOR WEATHERIZATION AND UTILITY REPAIR AND REPLACEMENT SERVICES

Approve Amendment No. 5 to the Agreement between FSL Home Improvements, an Affiliate Corporation of the Foundation for Senior Living and Maricopa County administered by its Human Services Department (C-22-08-089-1), in the increased amount of \$783,980 for the contract period July 1, 2008 through June 30, 2009.

This is an expenditure contract to a sub-recipient with an additional total grant award amount of \$783,980 and is not subject to indirect charges. The additional expenditures from this contract are reimbursed under revenues from Arizona Public Service (C-22-08-059-3-01) and Arizona Department of Commerce, Energy Office (C-22-09-022-3-02) and will not impact the County general fund budget.

Also, approve the following changes:

* Incorporate "Contract Operating Budget – MCHSD July 1, 2008 to June 30, 2009 Amendment #5".

* Total funding for FY 2009 is \$1,918,451.

* Correction to the "Contract Operating Budget – MCHSD July 1, 2008 to June 30, 2009 Amendment #4 - SWG BUDGET – 1. Administration Costs" increase of \$30; the amount was transposed and was listed as \$10,633, should have been \$10,663.

The total contract amount of \$1,134,471 will increase to \$1,918,451. All other terms and conditions of the original contract remain in full force and effect. This contract does not contain any County general funds. (C-22-08-089-1-05)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

31. AMENDMENT TO IGA WITH THE TOWN OF YOUNGTOWN FOR SPECIAL TRANSPORTATION SERVICES

Approve Amendment No. 2 to Intergovernmental Agreement between Town of Youngtown and Maricopa County to decrease the funding for FY 2008-2009 by \$5,602.73 for a new aggregate not-to-exceed amount of \$20,892.27. This amendment is effective from date of Board approval through June 30, 2009. All other terms and conditions of the Intergovernmental Agreement remain in full force and effect.

The transportation service will be provided to the Town's elderly, disabled and low-income participants for travel throughout Maricopa County. Indirect costs are recoverable within this contract at a rate of 15.2%, which is the approved indirect cost rate for FY 2008-2009. The indirect costs will be decreased by \$739 as a result of the reduction in funding. Total indirect to be collected will be \$6,714. (C-22-09-078-3-02)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

32. IGA WITH THE STATE OF ARIZONA FOR SPECIAL TRANSPORTATION SERVICES (NEW FREEDOM)

Approve an Intergovernmental Agreement between the State of Arizona Department of Transportation (New Freedom T-08-164-00AZ-57-X002) and Maricopa County by and through the Human Services Department (HSD), for the provision of special transportation services (STS) to the elderly and disabled individuals. This Agreement is effective from December 29, 2008 until December 28, 2009. The purpose of this Agreement is for the provision of grant reimbursement for purchases of items/services as described in Section II. Scope for the amount not-to-exceed \$130,865. HSDs FY 2008-09 indirect rate is 15.2%. Indirect expenses are fully recoverable and are estimated at \$17,267. (C-22-09-132-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

CHIEF FINANCIAL OFFICER

Finance

33. FUNDS TRANSFERS; WARRANTS

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

34. TRANSFER OF EXPENDITURE AUTHORITY FOR CHANDLER INTERIM EMERGENCY SERVICES

Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$16,632 from FY 2008-09 Non-Departmental (470) General Fund (100) Contingency (4711) Non-Recurring (0001) to a new line item in Non-Departmental (470) General Fund (100) Other Programs (4712) Non-recurring (0001) entitled "Chandler Interim Emergency Services." This action authorizes the transfer of contingency funds to pay the City of Chandler in accordance with the intergovernmental agreement between Maricopa County and the City of Chandler for the Provision of Interim Emergency Services within County Islands approved by the Board of Supervisors on August 22, 2007 (C-20-08-023-2-00) in the amount of \$25,912. (C-18-09-046-2-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

35. SALE OF REAL PROPERTY OF THE AVONDALE FAMILY HEALTH CLINIC TO THE CITY OF AVONDALE

Deem as advantageous for Maricopa County to sell, and authorize and approve the sale of, approximately 450 square feet of real property (30' X 30' triangle), at the Avondale Family Health Clinic located at the northwest corner of Van Buren and Eliseo Felix Jr. Way, to the City of Avondale for the purchase price of \$8,650.00, and authorize the Chairman to execute all necessary documents approved by County Counsel for the sale of the property. The Facilities Review Committee supports the sale of the property.

On August 20, 2008, the Board of Supervisors granted a Right of Entry (C-18-09-012-8-00) to the City to begin construction of the traffic signal and negotiations for the purchase of the subject property. The City of Avondale has made a written offer to purchase the 450 square feet for \$8,650.00. This agenda item will authorize the selling of the property for the installation and maintenance of a traffic signal at the intersection of Van Buren and Eliseo Felix Jr. Way and will authorize the Chairman to execute all necessary documents approved by County Counsel to sell the property. This item was continued from the February 25, 2009 meeting. This item requires a unanimous approval of the board of supervisors. This item was continued from the March 18, 2009 meeting. (C-18-09-043-8-00)

This item will be moved to the April 15, 2009, meeting because it requires a vote of the full Board.

36. FACILITIES USE AGREEMENT WITH THE ARIZONA BOARD OF REGENTS, AN AGENCY OF THE STATE OF ARIZONA, FOR AND ON BEHALF OF THE UNIVERSITY OF ARIZONA

Pursuant to A.R.S. §11-251(9), approve a Facilities Use Agreement (G-30119) between Maricopa County and the Arizona Board of Regents, an agency of the State of Arizona, for and on behalf of the University of Arizona and its College of Medicine (the "University") for the use of Maricopa County property as a gross anatomy teaching lab at the Forensic Science Building located at 701 W. Jefferson Street in Phoenix.

This Facilities Use Agreement (G-30119) will allow the University to reconfigure and use approximately 1,000 square feet of vacant space in the Forensic Science Building to conduct gross anatomy classes. In addition, this agreement will allow the University the use of up to 60 parking spaces in the adjacent parking structure if parking spaces are available. The effective date of the Agreement is upon execution by the parties and will terminate June 30, 2012, unless extended by the University, at Maricopa County's sole discretion, through three one-year renewal options. With prior written notice, Maricopa County may reduce the number of parking spaces in the Forensic Science Garage made available to the University. The University will reimburse Maricopa County \$12,000 per year for the use of the lab space and \$35 per month per parking space for the use of parking spaces at the Forensic Science Garage. The University is responsible for all costs associated with the reconfiguration of the lab space and for all utility, operating, and maintenance costs associated with the University's use of the lab space. This item requires a unanimous approval of the board of supervisors. This item was continued from the March 18, 2009 meeting. (C-18-09-044-1-00)

This item will be moved to the April 15, 2009, meeting because it requires a vote of the full Board.

37. POWER DISTRIBUTION EASEMENT FOR ELECTRICAL SERVICE FOR THE NEW VISITORS CENTER AT USERY MOUNTAIN REGIONAL PARK

Approve and authorize the granting of a Power Distribution Easement, without a public auction pursuant to A.R.S. 11-251 (9), to Salt River Project Agricultural Improvement and Power District (SRP), its successors and assigns, in consideration of \$1.00, to construct, operate, and maintain overhead and underground electric lines and appurtenant facilities to provide electrical service for the new Visitors Center at Usery Mountain Regional Park, and authorize the Chairman to execute the necessary Power Distribution Easement. This item was endorsed by the Facility Review Committee on February 24, 2009. This item requires the unanimous consent of the board. This item was continued from the March 18, 2009 meeting. (C-18-09-045-8-00)

This item will be moved to the April 15, 2009, meeting because it requires a vote of the full Board.

Materials Management

38. SOLICITATION SERIALS

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

a. 05167-S, STREET SWEEPING SERVICES

Approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.)

Renewal/Extension Date: March 31, 2012
Serial: 05167-S

Item: Street Sweeping Services (\$1,750,000 estimate/three years) Price Agreement renewal for street sweeping services for MCDOT.

Mr. Dirt of Arizona (C-73-09-061-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

b. 05194-C, BIO-DIESEL (PETRO/AGRI BLENDS) BULK FUEL PURCHASE & DELIVERY

Approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.)

Renewal/Extension Date: April 30, 2012
Serial: 05194-C

Item: Bio-Diesel (Petro/Agri Blends) Bulk Fuel Purchase & Delivery (\$17,000,000)

estimate/three years) Price Agreement renewal for the purchase of biodiesel fuel for use in County owned vehicles.

Pro Petroleum (C-73-09-060-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES

Air Quality Department

39. SALE AND OPERATING TRANSFER OF VEHICLES

Approve the sale and operating transfer of two vehicles from the Air Quality Department (850) Air Quality Fees Fund (504) to the Public Works Department (910) Transportation Operations Fund (232).

Pursuant to A.R.S. 42-17106(B), approve an FY 2008-09 fund transfer of \$30,650 from the Public Works (910) Transportation Operations Fund (232) to the Air Quality Department (850) Air Quality Fees Fund (504). This action requires an increase to the FY 2008-09 Air Quality Department (850) Air Quality Fees Fund (504) Operating (0000) revenue appropriation of \$30,650, and an increase to the FY 2008-09 Public Works (910) Transportation Operations Fund (232) Operating (0000) expenditure appropriation of \$30,650, and offsetting expenditure and revenue adjustments in Eliminations (980) Eliminations Fund (900) Operating (0000). The net financial impact to the County is zero.

Transportation will acquire two vehicles as follows:

Equipment Number/Description/Sales Price
31881/2008 Ford F150 4X4/\$15,325
31885/2008 Ford F150 4X4/\$15,325 (C-85-09-016-V-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Emergency Management

40. URBAN AREA SECURITY INITIATIVE GRANT FOR TOPOFF IV PLANNING REIMBURSEMENT

Accept the Urban Area Security Initiative (UASI) grant from State of Arizona Department of Homeland Security to Maricopa County Department of Emergency Management (MCDEM) in the not-to-exceed amount of \$7,763.21. This grant was awarded to MCDEM for the reimbursement of a MCDEM planner who spent time on the planning phase of TOPOFF IV exercise. The grant award begins on July 1, 2007 and ends July 31, 2009. The Department of Emergency Management's indirect cost rate for FY 2008-09 is 13.8%. Indirect costs are estimated to be \$1,071 and are not recoverable. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation and, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. There are no documents to be signed. (C-15-09-016-G-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

41. STATE HOMELAND SECURITY GRANT FOR MARICOPA COUNTY CITIZEN CORPS PROGRAM

Accept funds awarded under the State Homeland Security Grant Program (SHSGP) for Maricopa County Citizen Corps program in the not-to-exceed amount of \$44,470. This grant is used to support Citizen Corps programs throughout Maricopa County. The grant award begins on October 1, 2008 and ends September 30, 2009. The Department of Emergency Management's indirect cost rate for FY 2008-09 is 13.8%. Indirect costs are estimated to be \$6,136.86 and are not recoverable. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation and, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105.

Accept Homeland Security Grant in the amount of \$44,470 for the support of the Citizens Corps programs within Maricopa County. (C-15-09-017-G-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

42. EMERGENCY MANAGEMENT PERFORMANCE GRANT TO SUPPORT EMERGENCY PLANNING EFFORTS

Accept the Emergency Management Performance Grant (EMPG) for Maricopa County from Arizona Department of Emergency and Military Affairs through the Department of Emergency Management (MCDEM) in the not-to-exceed amount of \$454,388. This grant will be used to support emergency planning efforts within Maricopa County. The grant award begins on October 1, 2008 and ends September 30, 2010. The EMPG grant requires 50/50 match. The department will match the grant with funds from Fund 100 (General Fund), Fund 207 (Palo Verde Fund) and Fund 215 (IGA). The Maricopa County Department of Emergency Management's composite indirect rate is 13.8%. The grantor limits indirect cost recovery to 13.13%. Total Indirect costs are \$55,424 of which \$52,762 is recoverable and \$2,662 in unrecoverable. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation and, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. There are no documents to be signed. (C-15-09-018-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Environmental Services

43. AMENDMENT TO DELEGATION AGREEMENT #AGR2007-112 WITH ARIZONA DEPARTMENT OF HEALTH SERVICES

Approve Amendment No. 2 to an Intergovernmental Agreement between Arizona Department of Health Services and Maricopa County through the Environmental Services

Department. The purpose of this amendment is to include the Maricopa County Department of Public Health in this delegation. This amendment is non-financial and is effective from the date both parties have signed the agreement until June 30, 2017. All other terms and conditions of the Intergovernmental Agreement remain in full force and effect. (C-88-04-006-2-02)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Planning and Development

44. RESOLUTION TO DELEGATE AUTHORITY TO COLLECT AND COMPROMISE CLAIMS

Pursuant to A.R.S. 11-251 (1) and (4) adopt a Resolution to delegate authority to collect and compromise claims of the Planning and Development Department.

The department administers a civil hearing process that often results in the issuance of orders for payment of penalties. Currently, the amount of unpaid fees and penalties has become excessive and it is in the best interest of Maricopa County to develop new processes and procedures to expedite collection of these monies.

Adoption of the this Resolution would empower the Director with certain duties, powers and authority to expedite the collection of claims under \$100,000.00, which is applicable for unpaid fees for permits, other services, and penalties for violation of the Maricopa County Zoning Ordinance. (C-44-09-108-M-00)

Joe Liberty, citizen, said he was amazed at the issues addressed by the Board but felt that there is too little notice to the public on things that will impact the public, such as this resolution. He believed the extension of authority to this extent to Planning and Development, likening it to "giving the fox a key to the henhouse." He felt this action provides no benefit to the public. and is not in the best interest of residents.

Wayne Peck, counsel to the department, said the collections being addressed fall into two categories: 1) those who have promised to pay fees and have not done so and this gives the Director the ability to compromise these fees and work out payment arrangements; 2) those found responsible by a Hearing Officer and their right of appeal adjudicated, also giving the Director the ability to negotiate with the property owner to bring a resolution..

Chairman Wilson said if this involved someone from his district he would like to be informed of it.

Joy Rich, Director of Planning and Development, said the department could produce a report giving information on cases that were compromised in each Supervisorial District.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

ASSISTANT COUNTY MANAGER - PUBLIC WORKS

Facilities Management

45. SOLE SOURCE MAINTENANCE AGREEMENT WITH MCQUAY SERVICE

Approve a sole source maintenance agreement between Maricopa County and McQuay Service to provide service to McQuay Chillers.

An open solicitation was held in November, 2008 and no companies were deemed responsible. Representatives of other companies have performed this service in the past with unacceptable results. They do not have current training or technical data to work on the proprietary software that is an integral part of the Chiller. This results in needless delays and cost increases for subcontracting these services to McQuay. (C-70-09-026-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

46. REIMBURSEMENT TO APS FOR APS FACILITY MODIFICATION FOR DOWNTOWN COURT TOWER AND AUTHORIZATION FOR CREATION OF ESCROW AGREEMENT(S)

Approve the reimbursement to Arizona Public Service (APS) for engineering design, construction and modification of APS facilities in connection with providing new service to the Downtown Court Tower project. The cost may not exceed the estimated amount of \$1,069,862 by more than 10 percent. In accordance with prior Board of Supervisor's approval, the APS extension agreements related to the project will be executed by the Director of Facilities Management.

Also, authorize the Chairman of the Board of Supervisor's to execute all documents related to the creation and maintenance of escrow agreement(s) between the Bank of New York Mellon Trust Company, APS and Maricopa County regarding the deposit and future disbursement(s) of the funds and interest earned.

Also authorize the Department of Finance to transfer the final reimbursement to Bank of New York Mellon Trust Company as set forth in the executed escrow agreement. The Department of Finance will classify this transaction as Cash with Trustee for balance sheet purposes; as such no appropriation adjustment is necessary for FY 08-09. The reimbursement will be appropriated in the FY 09-10 budget.

As part of the project development for the new Court Tower, APS will need to bring power to the proposed facility by construction of new electrical distribution improvements from their Lincoln Street sub-station. In accordance with Arizona Corporation Commission guidelines, APS has completed an economic feasibility analysis of the project to determine the estimated cost for the delivery of service to the project. This project has been grandfathered under APS' Schedule 3, Revision 9, which provides that the County may be eligible to recover a portion of the funds related to the improvements, in an amount not-to-exceed, \$1,045,675 based on the electrical load projections supplied by the County for the completed project within the timelines specified in the final agreement. (C-70-09-027-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Public Works

47. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. The list is on file in the Clerk of the Board's Office. (C-06-09-374-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

48. ANNEXATION (RIGHT OF WAY) BY THE CITY OF GOODYEAR

Pursuant to A.R.S. § 9-471(N), approve the annexation by the City of Goodyear of County right-of-way within: McDowell Road from Cotton Lane to Citrus Road, in accordance with Ordinance No. 09-1156. (Supervisory District No. 4) (C-91-09-133-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

49. ANNEXATION (RIGHT OF WAY) BY THE CITY OF PHOENIX

Pursuant to A.R.S. §9-471(N), approve the annexation by the City of Phoenix of County right-of-way within: 99th Avenue and Campbell Avenue, in accordance with Ordinance No. S-35703. (Supervisory District No. 5) (C-91-09-134-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

50. AMENDMENT TO THE OLD US-80 GILA RIVER BRIDGE, AKA GILLESPIE DAM BRIDGE

Approve 2nd Amendment to the Grant Application for federal Transportation Enhancement Program Round XVI Funds for Phase I of the Historic Bridge Rehabilitation of the Old US 80 River Bridge, AKA Gillespie Dam Bridge (TT188) which was approved by the Board of Supervisors on August 6, 2008 (C-64-08-228-3-01) by changing the fiscal year in which we will accept the funding from FY 09 to FY 10, plus allow Maricopa County's Department of Transportation to accept the \$1 million in Bridge Funds from FHWA via ADOT, which was previously approved by ADOT for disbursement in FY 2010.

The Old US 80 Gila River Bridge, aka Gillespie Dam Bridge is the second most historic of Arizona's bridges, serves area agricultural users and residents, and is an important alternate to SR 85. The Bridge is in need of repairs to maintain its structural integrity and provide the foundation for historic restoration efforts.

In Phase One, repairs/rehabilitation will be made to allow the superstructure to function as designed and to address areas where the Gillespie Dam Bridge does not meet current AASHTO guidelines. This project was ranked #1 by the MAG Enhancement Peer Review Group on June 24, 2008.

Amend the approved Agenda Item (C-64-08-228-3-01) to move the acceptance date of funds from FY 2009 to FY 2010 and to also allow Maricopa County's Department of

Transportation to accept the \$1 million in Bridge Funds from FHWA via ADOT, which was previously approved by ADOT for disbursement in FY 2010. Supervisory District No. 5. (C-64-08-228-3-03)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

51. PURCHASE OF TWO RIGHTS-OF-WAY FROM THE ARIZONA STATE LAND DEPARTMENT (ASLD)

Approve the purchase of two Rights-of-Way from the Arizona State Land Department (ASLD) by Maricopa County by and through the Department of Transportation (MCDOT), for access to a MCDOT excess parcel in the Southwest Quarter of Section 10, T4N R1W. The Rights-of-Way consist of one 2.9 acre parcel (State Land #16-112917), valued by market appraisal at \$129,195, and one 3.24 acre parcel (State Land #16-111729), estimated at \$192,000.

Pursuant to A.R.S. 11-251, the Board declared excess the parcel of land in the SW ¼ Sec 10 T4N R1W: approximately 67.65 acres on July 25, 2007 (C-64-07-280-0-00), authorizing MCDOT to sell the parcel at public auction, or in the event of a sale to a municipality, at market value without an auction, to reduce Department liability and maintenance, and generate revenue for future projects. Supervisory District No. 4 (C-91-09-144-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

52. QUIT CLAIM DEED WITH THE CITY OF TEMPE

Approve and execute a Quit Claim Deed from Maricopa County to the City of Tempe. This Quit Claim Deed identifies rights that were obtained by Maricopa County as part of Project No. 68859 – McClintock (Hayden) Road (Red Mountain Freeway to McKellips Road). These rights include roadway rights and utility easements and were obtained as part of a road widening project that was accomplished in partnership with the City of Tempe, as described in an Intergovernmental Agreement with the City of Tempe recorded in Maricopa County Records 1997-0083486 and approved by the Board of Supervisors on January 29, 1997 (C-64-97-199-2). These roadway and utility rights were acquired by Maricopa County within the existing city limits of the City of Tempe lying within Section 11 of Township One North, Range Four East.

Maricopa County entered into an Intergovernmental Agreement (C-64-97-199-2-00) with the City of Tempe to widen and reconstruct McClintock (Hayden) Road between the Red Mountain Freeway and McKellips Road. This Intergovernmental Agreement was approved by the Board of Supervisors on January 29, 1997 and was recorded in Maricopa County Records 1997-0083486. As part of this project it was necessary to acquire roadway right-of-way and utility easements. Per the Intergovernmental Agreement Maricopa County was the lead agency in acquiring the right-of-way. A portion of these rights acquired by Maricopa County for the project were located within the existing city limits of the City of Tempe. The City of Tempe, per said Intergovernmental Agreement, operates and maintains the roadway right-of-way that lies within their corporate jurisdiction. In order to facilitate this operation and maintenance of said roadway it is necessary for the County to transfer rights obtained by the County within the city limits to the City of Tempe. Thirty day legal advertising notification has been met. Please return Quit Claim Deed to the Real Estate Division for delivery to City of Tempe for their acceptance. Quit Claim Deed will be recorded following Tempe acceptance.

Project No. 68859, McClintock (Hayden) Road (Red Mountain Freeway to McKellips Road).
Supervisory District No. 1 (C-91-09-145-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

53. JOB ORDER CONTRACT WITH SD CRANE BUILDERS, INC.

Approve Job Order Contract No. 2008-019 between Maricopa County Department of Transportation and SD Crane Builders, Inc. for Fencing Services, Fiscal Year 2009. This contract shall be effective for a period of one year from the Board of Supervisors award date. The Contractor shall be paid a fee not-to-exceed 3,000,000 per year. Market escalations in material costs may be negotiated upon written request from the Contractor or Maricopa County Department of Transportation.

This work shall include but not be limited to supplying all labor, material, equipment, and traffic control for fence installation (new and replacement) and commercial/industrial fence repairs, to include but not limited to: chain link, wood, vinyl, razor ribbon, barbed wire, ornamental iron and gates (manual and electric) on an as-needed basis for various locations throughout Maricopa County. Supervisor Districts 1, 2, 3, 4 and 5 (C-91-09-146-5-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

BOARD OF SUPERVISORS

Clerk of the Board

54. APPOINTMENT TO THE HOUSING AUTHORITY OF MARICOPA COUNTY

Approve the appointment of Deborah Kasik as the resident commissioner for the Housing Authority of Maricopa County. The term of appointment will be effective as of the date of Board approval through June 30, 2012. (C-06-09-335-9-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

SETTING OF HEARINGS

~All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted~

Planning and Development

55. ZONING CASES

Schedule Planning and Development public hearings on zoning cases and other matters for the April 15, 2009 meeting. (List is on file in the Clerk of the Boards Office) (C-44-09-107-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Public Works

- 56.** Set a public hearing to declare the following roads into the county highway system for 9:00 a.m. Wednesday, May 6, 2009.

a. ROAD FILE NO. A418

Adopt a Resolution to setting hearing on Road File No. A418, said alignment is also known as Cavalry Road from 7th Avenue to 3rd Avenue.

General Vicinity: Cavalry Road from 7th Avenue. Supervisor District No. 3 (C-91-09-138-M-00)

The Clerk read a correction in this resolution's final paragraph if there are issues relating to condemnation, the current language will be changed to, "the County Manager will be directed and authorized and is hereby directed and authorized to have his general litigation counsel and department initiate and prosecute actions."

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

b. ROAD FILE NO. 5810

Adopt a Resolution to setting hearing on Road File No. 5810 to Open and Declare the following described alignments into the County Transportation System.

General Vicinity: El Mirage Road and Pinnacle Peak Road. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4 (C-91-09-140-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

c. ROAD FILE NO. 5811

Adopt a Resolution to setting hearing on Road File No. 5811 to Open and Declare the following described alignments into the County Transportation System.

General Vicinity: Pinnacle Peak Road and 123rd Avenue. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4 (C-91-09-141-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

d. RESET PUBLIC HEARING RELATED TO ROAD FILE NO. 5807

Reset the public hearing initially scheduled for April 1, 2009 to a new hearing date of 9:00 am, Wednesday, May 6, 2009 to adopt a Resolution for setting a hearing on Road File No. 5807 to Open and Declare the following described alignments into the County Transportation System.

General Vicinity: Area bordered by Olive Avenue on the South, Peoria Avenue on the North, Perryville Road on the West and Citrus Road on the East. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4 (C-91-09-122-M-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

County Manager

57. TERMINATION OF THE MARICOPA COUNTY SPORTS AUTHORITY

Adopt a resolution to set a public hearing for Wednesday, May 6, 2009, for the purposes of terminating the Maricopa County Sports Authority (Authority) pursuant to A.R.S. §11-706 to be effective June 30, 2009. At the hearing, the Board will determine if the Authority is no longer in the public interest, convenience or necessity and shall declare its findings and order the termination of the Authority. In addition, approve the terms and conditions under which the termination of the Authority will be completed.

A.R.S. §11-706 permits the Maricopa County Board of Supervisors (the Board) to terminate the Authority. The termination of the Authority will become effective June 30, 2009. After June 30, 2009, the Maricopa County Sports Commission (Commission), a 501(c)(3) non-profit, non-governmental, organization, d.b.a. the Phoenix Regional Sports Commission, will continue to bring national and international sporting events to the valley, assist in the promotion of existing events and teams, and support youth sports programs.

Upon termination of the Authority, the County will assume all outstanding liabilities and obligations of the Authority, and will acquire all assets of the Authority in accordance with A.R.S. §11-706. After the County receives and reviews the Authority's Fiscal Year 2009 audited financial statements and assets valuation, under a separate action, the County will donate any surplus furniture and equipment, that have little or no value, to the Commission pursuant to A.R.S. §11-251(9).

If ordered, the Authority's termination will be completed in accordance with the terms and conditions as set forth in the executed Termination Terms and Conditions Document. (C-20-09-045-7-00)

Supervisor Brock commented on the possibility of the termination of the agency and planned public hearing, he asked Office of Management and Budget to brief his office on the obligation.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

CONSENT AGENDA

Clerk of the Board

58. ASRS CLAIMS

Pursuant to A.R.S. §38-711 et., authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. Amounts may be recalculated employer payments to show accrued interest payments. Claims presented are on file in the Clerk of the Board's Office. (C-06-09-361-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

59. CANVASS OF ELECTIONS

Pursuant to A.R.S. §16-642(B), accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's Office. (C-06-09-362-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

60. DUPLICATE WARRANTS

Pursuant to A.R.S. §11-632, approve and ratify the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. Necessary affidavits have been filed with the Board. Affidavits presented are on file in the Clerk of the Board's Office. (C-06-09-363-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

61. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Supervisors' meetings held September 17, 2008; November 17, 2008 and February 2, 2009. (C-06-09-354-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

62. PRECINCT COMMITTEEMEN

Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. List is on file in the Clerk of the Board's Office. (C-06-09-364-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

63. PROPERTY RE-CLASSIFICATION APPEAL CASES - FOR APPROVAL

Pursuant to A.R.S. §42-12052, approve the property owner's appeal to re-classify properties, which has satisfied the requirements of occupancy status, and re-classify properties to class three properties (owner occupied). Waive assessed penalties and liens. Direct the County Assessor to re-classify properties to class three (owner occupied), pursuant to A.R.S. §42-12003. (ADM310-001) (C-06-09-305-7-00)

Property Owner	Parcel
Bean, Derek & Skaggs, Stephanie	132-72-042
Hill, Michael	301-59-031
Palacios, Norlan	102-57-019

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

64. PROPERTY RE-CLASSIFICATION APPEAL CASES - FOR DENIAL

Pursuant to A.R.S. §42-12052, deny the property owner's appeal to re-classify properties, which has not satisfied the requirements of occupancy status, and maintain property classification at class four property (non-owner occupied). The class four property classification (non-owner occupied), remains in effect. (ADM310-002) (C-06-09-306-7-00)

Property Owner	Parcel
Casanares-Lindo, Rosita	501-40-727
Clarke, Douglas M.	301-65-515
Mullins, Paul & Margaret	139-48-120

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

65. SECURED TAX ROLL CORRECTIONS

Pursuant to A.R.S. §§42-15155, 16002, 16215, 16258, and 19118, approve requests from the Assessor for corrections of the Secured Tax Rolls Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. Resolutions on file in the Clerk of the Board's Office. (C-06-09-365-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

66. SETTLEMENT OF PROPERTY TAX CASES

Pursuant to A.R.S. §§42-16201 through 16215, approve the settlement of tax cases dated April 1, 2009. List is on file in the Clerk of the Board's Office. (C-06-09-371-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

67. TAX ABATEMENTS

Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. List is on file in the Clerk of the Board's Office. (C-06-09-366-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

BOARD OF SUPERVISORS ADDENDUM

County Attorney

A-1. SETTLEMENT OF COX ARIZONA TELECOM V. COCHISE, MARICOPA, PIMA AND PINAL COUNTIES, AND ADOR, TX2007-000015

Authorize settlement of Cox Arizona Telecom v. Cochise, Maricopa, Pima and Pinal Counties, and ADOR, TX2007-000015, by a reduction in the full cash value of the plaintiff's

personal property for the tax year 2009 in the amount of \$22.5 million, as discussed in Executive Session on March 30, 2009. (C-19-09-046-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Public Works

A-2. REACT PROGRAM EXPANSION

Approve the expansion of the MCDOT REACT program to three cities and authorize MCDOT to apply for \$852,459 in reimbursement funding from the Maricopa Association of Governments (MAG) Five Year (FY2008-2012) Transportation Improvement Program. Funding will be requested during the budget development process for the next three years. The total cost of the REACT expansion project is \$1,238,859. A local match of 31.19% or \$386,400 is required. MCDOT will provide \$96,600 cash match and the three cities will provide the remaining \$289,800. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

To insure regional project coordination and following long-standing federal aid requirements, the MAG five year, annually updated Transportation Improvement Program (TIP) lists all

planned transportation improvement projects in the MAG area for the current and subsequent four years. This REACT Program Expansion project is a MCDOT project appearing in the MAG TIP. REACT (Regional Emergency Action Coordinating Team) is a MCDOT team of specialists who assist local agencies within Maricopa County with traffic management during emergency or other special traffic situations. Team members are agency employees who provide additional part-time traffic management services when necessary during a traffic incident or event. The team was first established through AZTech™, a public/private transportation partnership in the Phoenix metropolitan area led by MCDOT. The team has now been operating successfully for several years, and has built a well-respected track record in providing traffic control during traffic incidents. A previous grant via the MAG program successfully established a similar successful program in the City of Surprise under the guidance of MCDOT. This REACT Program Expansion project will provide vehicles, equipment, and staff overtime compensation for teams in three additional cities: Glendale, Peoria, and Scottsdale. MCDOT will develop Intergovernmental Agreements with these cities and guide the establishment of each of the three city programs during the next three years. Thereafter the programs will be funded and administered by each of the expansion cities independent of MCDOT. The partners, including MCDOT, will share equally in the local match required; the respective local contributions are as follows: Glendale: \$96,600. Peoria: \$96,600, Scottsdale: \$96,600, MCDOT: 96,000, Total: \$386,400. MCDOT will provide operational services to the City of Peoria to facilitate establishment of the City's REACT Team. In return, the City of Peoria will reimburse MCDOT with its full contribution of match funds. The funding is available on a reimbursement basis for the cost of \$852,459. The department's indirect cost rate of 15.8% is unrecoverable. The department's non-recoverable indirect cost is \$134,692. The project will be in Supervisorial Districts 2,3,4, and 5 (C-91-09-137-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

A-3. AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDING

Authorize the application and acceptance of not-to-exceed \$5,950,757 in federal funds (federal-aid highway funding) awarded to the Maricopa County Department of Transportation (MCDOT) through the American Recovery and Reinvestment Act of 2009, as approved by the Maricopa Association of Governments (MAG) and as authorized by the Arizona Department of Transportation (ADOT) and the Federal Highway Administration (FHWA).

MCDOT will submit budget requests/adjustments to the Board of Supervisors as specific project and funding designations are made. Indirect costs, if applicable, will be included in the specific project and funding designation requests.

Authorize the use of \$5,950,757 to fund one or more of the transportation projects included on the attached list (Attachment 1).

On March 10, 2009, funds from the American Recovery and Reinvestment Act of 2009 were awarded to Arizona for eligible transportation projects. A portion of the state's funding is being sub-allocated to local governments via ADOT and Metropolitan Planning Organizations (MPOs). Accordingly, Maricopa County's portion of the transportation funds is being awarded through the Maricopa Association of Governments (MAG).

According to MAG, the total amount sub-allocated to the MAG region will be \$104.6 million. In its March 25 meeting, the MAG Regional Council approved a formula that will distribute the funding to all MAG member agencies as follows: Each jurisdiction will receive a

minimum allocation of \$500,000, and the balance of the funding will be distributed proportionally based on population. Under this scenario, Maricopa County will receive \$5,950,757. Local matching of the Recovery Act funds is not a requirement for receiving this funding. (These funds can be used for up to 100% of project costs, on a reimbursable basis.)

These Recovery Act funds must be obligated by March 2, 2010 (within one year of apportionment of the funds), or the funding will be reallocated to other jurisdictions. In order to ensure that regional funding is not lost to other jurisdictions, an earlier regional deadline for obligation of funds has been set by MAG for November 30, 2009. The administrative tasks associated with the federal-aid process can be lengthy and extensive, so time is of the essence. It is critical that MCDOT is prepared to begin that administrative process immediately upon notice of project approval from MAG and ADOT.

In anticipation of this Recovery Act funding opportunity, MCDOT submitted the projects on the attached list to MAG for pre-screening to determine eligibility. The MCDOT projects on this list have now been pre-qualified by MAG as projects eligible for Recovery Act funding. MAG has indicated that agencies will need to submit their official lists of projects to MAG by April 3, 2009.

The attached list includes approximately \$16 million in potential projects, and MCDOT is seeking approval to utilize its \$5,950,757 in Recovery Act funds toward funding projects from that list. MCDOT will submit additional budget adjustments to the Board of Supervisors as specific project and funding designations are made. Authorization from the Board of Supervisors in anticipation of the final selection of specific projects from the list will increase MCDOT's ability to proceed efficiently and will expedite the use of the funds for the benefit of the County. Supervisory Districts: All. (C-91-09-143-G-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

Sheriff

Agenda item A-4 was taken out of order, at the beginning of the meeting.

A-4. IGA WITH DPS CONCERNING ILLEGAL IMMIGRATION AND HUMAN SMUGGLING

Approve an intergovernmental agreement (IGA) between Maricopa County, on behalf of the Sheriff's Office, that enhances law enforcement services concerning illegal immigration and human smuggling by providing increased funding to MCSO as intended by Law 2009, Chapter 1, 1st Special Session, Section 2.

This agreement provides up to \$1.6 million of funding to investigate, disrupt, or deter crimes relating to illegal immigration and human smuggling and takes effect April 1, 2009 through March 31, 2010.

Also per A.R.S. 42-17106 approve an increase of \$333,333 to the Sheriff's Grant Fund (251) FY 2009 for estimated revenue and expenditure.

A 15% match on actual expenditures is required. Any match resulting from FY 2009 expenditures will be paid from the Sheriff's General Fund (100) appropriation. An estimated amount the FY 2010 match was included in Sheriff's base budget request. The Sheriff's Office indirect cost rate for FY 2009 is 12.2% and this funding does not support indirect costs. This funding provides for fifteen new positions-one lieutenant, two sergeants, and

twelve deputies and supporting supplies and equipment to accomplish the task, which includes vehicle leases. (C-50-09-064-M-00)

MEETING RECESSED

Chairman Wilson recessed the Board of Supervisors to convene the Boards of Directors of various districts.

IMPROVEMENT DISTRICT AGENDA

The Board of Directors of the Improvement District convened in Formal Session at 9:00 AM on Wednesday, April 01, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

I-1. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Improvement District Board of Directors' meeting held September 17, 2008. (C-06-09-372-7-00)

Motion to approve by: Director Stapley, Seconded by: Director Brock
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

I-2. DESIGNATION OF SUPERINTENDENT OF STREETS

1. Rescind the resolution adopted October 15, 2008 (91-09-055-M-00), by the Board of Supervisors designating Robert Herz as Acting Superintendent of Streets.

2. Adopt a resolution designating John Morast as Superintendent of Streets.

Robert Herz, who served as the Acting Superintendent of Streets under a special work assignment, is to be replaced by the appointment of John Morast. John Morast has accepted the position of Superintendent of Streets. The Office of Superintendent of Streets is located within the County Department of Transportation.
(C-91-09-139-7-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board

FLOOD CONTROL DISTRICT AGENDA

The Board of Directors of the Flood Control District convened in Formal Session at 9:00 AM on Wednesday, April 01, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

F-1. 50TH ANNIVERSARY OF STATE LEGISLATION FOR CREATION OF FLOOD CONTROL DISTRICTS IN THE STATE OF ARIZONA

Request the Flood Control District of Maricopa County Board of Directors proclaim a celebration on March 23, 2009, to mark the 50th anniversary of the Arizona State Legislation authorizing the creation of Flood Control Districts in the State of Arizona.

The Flood Control District of Maricopa County is responsible for mitigation and prevention of flood damage to property and provides flood protection to the citizens of Maricopa County. (C-69-09-059-M-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

F-2. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Directors' meeting held September 17, 2008. (C-06-09-367-7-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

F-3. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. The list is on file in the Clerk of the Board's Office. (C-06-09-373-7-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

F-4. RESOLUTION AMENDMENT AUTHORIZING THE CHIEF ENGINEER AND GENERAL MANAGER TO ACT AS AGENT FOR THE DISTRICT DURING AND AFTER FLOOD EVENTS

Adopt Resolution Amendment #1 FCD 1999R021A which authorizes the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to act as the Agent for the District during and after flood events for the purpose of filing an

application for financial assistance under the Disaster Relief Act. This Amendment will authorize the name to be changed on the Arizona Division of Emergency Management Designation form to Timothy S. Phillips.

If a state of federal disaster is declared during or after a flood, the Agent for the District has the authority to execute, on behalf of the District, items pertaining to the Disaster Relief Act. This item impacts all Directory Districts 1, 2, 3, 4, and 5. (C-69-00-119-6-01)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

F-5. RESOLUTION FOR POWERLINE FLOOD RETARDING STRUCTURE FISSURE RISK ZONE MITIGATION PROJECT

Adopt Resolution FCD 2008R015 for the Powerline Flood Retarding Structure (FRS) Fissure Risk Zone Mitigation Project, authorizing the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to advertise, negotiate, and award contracts for engineering and construction services and to include funding in the District's future five-year Capital Improvement Program (CIP). Project cost is estimated to be \$5,560,000.

Powerline FRS is one of a system of three flood retarding structures the District has identified a need to fully rehabilitate or replace. This system provides significant flood control and erosion protection of public infrastructure, residential, commercial and agricultural land within Maricopa and Pinal Counties. This item impacts Director District 1. (C-69-09-056-6-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board

LIBRARY DISTRICT AGENDA

The Board of Directors of the Library District convened in Formal Session at 9:00 AM on Wednesday, April 01, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

L-1. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Directors' meeting held September 17, 2008. (C-06-09-368-7-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board

STADIUM DISTRICT AGENDA

The Board of Directors of the Stadium District convened in Formal Session at 9:00 AM on Wednesday, April 01, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

S-1. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Directors' meeting held September 17, 2008. (C-06-09-370-7-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilson
Absent: Wilcox

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Official Record Keeper

MEETING RECONVENED

Chairman Wilson reconvened the Board of Supervisors.

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

68. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.)

Kate Goodhart, resident, spoke on three cases found not to need permits for their "shade houses" by Planning and Development. She said these are nearly identical in size, zoning and shade house placement as her house that was found to need a permit. She said the only difference is that she had no plants in her shade house at the time of her citation. She contended that she was never in violation, but was erroneously found to be in violation and fined.

She charged that code enforcement has unregulated enforcers and citizens have no recourse over what they decide and actions they take.

69. **SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS.**

Chairman Wilson reported that Stephen Wolfe, Deputy County Attorney, passed away Sunday and his friends at the County will miss him.

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned at 11:20 a.m.

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Clerk of the Board